AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States District Court
Southern District of Texas
FILED

DEC 15 2016

David J. Bradley, Clerk

United States of America
v.
Juan De Dios LUGO-Serna YOB 1988
Mexico Citizen

Defendant(s)

Case No. M-16-2309-M

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 14, 2016 in the county of Hidalgo in the Southern District of Texas, the defendant(s) violated:

Code Section	*Offense Description*
8 USC 1324(a)(1)(A)(iii) 18 USC 922(g)(5)(A)	Knowingly and in reckless disregard of the fact that Sandra GUEVARA and Victor ALVAREZ were aliens who have come to, entered or remained in the United States in violation of law, conceals, harbors, or shields form detection, or attempts to conceal, harbors, or shield from detection such aliens in any place, including any building or means of transportation; and did knowingly and unlawfully, being an alien, illegally or unlawfully in the United States, shipped or transported in interstate or foreign commerce, or possessed in or affecting commerce one (1) Smith & Wesson 9mm pistol, fifty-seven (57) rounds of 9mm caliber ammunition and one (1) 9mm caliber pistol magazine.

This criminal complaint is based on these facts:

See Attachment "A"

✓ Continued on the attached sheet.

OK to file. TLT

Complainant's signature

Rene Santos, HSI Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: December 15, 2016 8:39 am

Judge's signature

City and state: McAllen, Texas

Peter E Ormsby, U.S. Magistrate Judge
Printed name and title

ATTACHMENT A

On December 14, 2016, at approximately 1:00 PM, U.S. Department of Homeland Security (DHS) Customs and Border Protection (CBP) Officer of Border Patrol (OBP) established surveillance at a residence located at 6207 Charro St. Apartment C, Mission, Texas herein referred to as residence) due to previous information that indicated the residence was used to harbor undocumented aliens (UDA's). During surveillance OBP agents observed a vehicle driven by Juan De Dios LUGO-Serna, leave the residence. OBP followed the vehicle until it stopped at a food stand. OBP agents approached a LUGO-Serna to conduct an immigration inspection. Upon questioning LUGO-Serna stated to the agents that he was a Mexican citizen who was illegally present in the United States and also stated that in his residence he was housing approximately 10 undocumented aliens. OBP agents obtained consent to search the residence from LUGO-Serna.

Before searching the residence OBP agents asked LUGO-Serna if he had any firearms in his house to which he responded that there was a firearm in his room. During the consensual search OBP agents discovered thirteen undocumented aliens at the residence and a Smith and Wesson 9mm Pistol serial number FWZ0118, a magazine with sixteen 9mm caliber rounds and an ammunition box with forty one 9mm caliber rounds. The pistol was discovered in a drawer of LUGO-Serna's room.

In post Miranda interview, LUGO-Serna stated that he had started harboring and transporting UDA's about two months ago. LUGO stated that he was paid twenty dollars per UDA each day the UDA's stayed at his house. LUGO also said that he provided food and water for the UDA's. He said he had he picked up the UDA's in his vehicle from unknown persons and transported them to his house. LUGO said that the majority of the UDA's found at the house had been there about fifteen days. Regarding the firearm LUGO said that he had purchased it for his protection and that he knew it was illegal for a UDA to possess a firearm.

Agents interviewed Victor ALVAREZ-Juarez, a citizen of El Salvador, who is illegally present in the United States. ALVAREZ was shown a six person photo lineup and was able to identify the photo of LUGO as the person in charge of the stash house. ALVAREZ said that LUGO had transported him to the stash house. ALVAREZ explained that that LUGO had told the UDA's at the house that they would be there until it was time to be transported north. ALVAREZ said that he would see LUGO often at the house since he lived there. ALVAREZ said that LUGO showed him a pistol which he explained that he had it for protection.

Agents also interviewed Sandra GUEVARA-De Rosales, a citizen of El Salvador, who is illegally present in the United States. GUEVARA was shown a six person photo lineup and was able to identify the photo of LUGO as the person who was the caretaker of the house and who also fed the UDA's.

Both Victor ALVAREZ-Juarez and Sandra GUEVARA-De Rosales are undocumented aliens and will be used as Material Witnesses to this case.